

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

APTIVE ENVIRONMENTAL, LLC,

Plaintiff,

v.

**VILLAGE OF EAST ROCKAWAY,
NEW YORK,**

Defendant.

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No. 2:19-cv-03365-SJF-SIL

PLAINTIFF'S NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, L.R. 56.1 Statement of Material Facts, Declaration and exhibits attached thereto, the documents on file in this action, and such other arguments or evidence that may be presented on Reply or at a hearing on this matter, Plaintiff Aptive Environmental, LLC, by its undersigned attorneys, will and hereby does move this Court, before the Hon. Sandra J. Feuerstein, United States District Judge for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York, 11722, as soon as counsel can be heard, for an order under Rule 56 granting summary judgment in Plaintiff's favor, in the following manner:

- (1) Judgment as a matter of law that the \$200 solicitation fee of the Village of East Rockaway, New York (the "Village"), found at §§ 171-3 and 171-5(A) of the Village Code, violates the First Amendment rights of Aptive, others similarly situated, and Village residents, both facially and as applied; and
- (2) A permanent injunction barring enforcement of the \$200 Solicitation Fee found at §§ 171-3 and 171-5(A) of the Village Code.

Dated: March 31, 2020

Respectfully submitted,

Daniel E. DeCicco, Esq.
DARGER ERRANTE YAVITZ & BLAU LLP
116 East 27th Street at Park Avenue
New York, NY 10016
(212) 452-5300

/s/ Kent D. Krabill

Kent D. Krabill, admitted *pro hac vice*

Texas Bar No. 24060115

kkrabill@lynnllp.com

Samuel Clinton Cowan, admitted *pro hac vice*

Texas Bar No. 24109760

ccowan@lynnllp.com

LYNN PINKER COX & HURST, LLP

2100 Ross Avenue, Suite 2700

Dallas, Texas 75201

(214) 981-3800

Attorneys for Plaintiff

Aptive Environmental, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2020, a true and correct copy of the above and foregoing was served on all counsel of record via email, and a cover letter filed on ECF, in compliance with the Court's Individual Rule 4(B).

/s/ Kent D. Krabill

Kent D. Krabill